IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

Applicant   :   Gene Harlow Johnson et al.

Serial No.   :   10/031,091

Filed   :   January 15, 2002

For   :   Method and Apparatus for Performing a Channel Search in a Television

Examiner   :   Sumaiya A. Chowdhury

Art Unit   :   2623

REPLY BRIEF

May It Please The Honorable Board:

This is Appellant's Reply Brief in response to the Examiner's Answer dated May 13, 2008. No fee for filing this Reply Brief is believed due. Should a fee be due please charge this fee to Deposit Account No. 07-0832. Appellants waive an Oral Hearing for this appeal.

Please charge any additional fee or credit any overpayment to the above-identified Deposit Account. Enclosed is a single copy of the Brief.

I.   REAL PARTY IN INTEREST

The real party in interest of Application Serial No. 10/031,091 is the Assignee of record:

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II.   RELATED APPEALS AND INTERFERENCES

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 10/031,091.

III.   STATUS OF THE CLAIMS

Claims 1-12 are rejected and the rejection of claims 1-12 is appealed.

IV.   STATUS OF AMENDMENTS

All amendments were entered and are reflected in the claims included in Appendix I of the Appeal Brief filed on March 7, 2008.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

The Summary of the Claimed Subject Matter provided in the Appeal Brief filed on March 7, 2008 is incorporated herein by reference and Applicants respectfully submit that no further summary is needed.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wugofski (U.S. Patent No. 6,003,041).

VII.   ARGUMENT

For the reasons presented in the Appeal Brief filed on March 7, 2008, which are incorporated herein by reference, and for the following reasons, Wugofski does not anticipate the features of the present claimed arrangement. Thus, reversal of the Final Rejection (hereinafter termed "rejection") of claims 1-12 under 35 U.S.C. 102(e) is respectfully requested.

The arguments below address the Examiner's Answer dated May 13, 2008 ("Answer") and are supplemental to the Appeal Brief filed in this case. The Arguments in the previously filed Appeal Brief are fully pertinent and are to be considered in conjunction with the following arguments.

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wugofski (U.S. Patent No. 6,003,041)

Reversal of the rejection of claims 1-12 under 35 U.S.C. 102(e) as being anticipated by Wugofski (U.S. Patent No. 6,003,041) is respectfully requested because the rejection makes crucial errors in interpreting the cited reference. The rejection erroneously states that claims 1-12 are anticipated by Wugofski.

<div align="center">CLAIMS 1 and 2</div>

The Answer on page 5 of the "Response to Argument" section recites an argument made by the Applicants in the Appeal Brief filed on March 7, 2008. Specifically, the Applicants argument is directed towards Wugofski neither disclosing nor suggesting "detecting available channels from various possible channels received from the source connected to only the currently selected video input" as recited in claim 1 of the present arrangement. However, on page 6 of the "Response to Argument" section, the Answer argues that Wugofski (in col. 6, lines 24-28) meets the claim limitation of "determining by a user a currently selected video input from one of the at least two video inputs." Applicants respectfully submit that the Answer is relating the argument presented in the Appeal Brief to a different feature than the one argued. The argument made by the Applicants is directed towards Wugofski neither disclosing nor suggesting "detecting available channels from various possible channels received from the source connected to only the currently selected video input" as recited in claim 1 of the present arrangement. Therefore, Applicants respectfully submit that the arguments made in the Appeal Brief are directed towards Wugofski neither disclosing nor suggesting "detecting available channels from various possible channels received from the source connected to only the currently selected video input" as recited in claim 1 of the present arrangement. Furthermore, Wugofski in cited col. 6, lines 24-28 recites that "[w]hen a connection is made ... step 715 ... requests the user to identify the device 120, its port number ... and its source 110. Step 716 may then read a number of characteristics from the device itself." However, Wugofski does not disclose or

suggest "detecting available channels from various possible channels received from the source connected to only the currently selected video input" as recited in claim 1 of the present arrangement.

Furthermore, in the "Response to Argument" section on page 6 of the Answer, it is argued that "Referring to col. 6, lines 37-66 and Fig. 6, Wugofski teaches available channels of the currently user selected device are detected and entered into database 370." The cited passage recites detecting whether a "current device/physical-channel combination is already present in database 370" (col. 6, lines 44-45). If the current/device-channel combination is already present in the database, then a new event record is built and the record is stored. However, the database in Wugofski is not concerned with "detecting available channels from various possible channels received from the source connected to only the currently selected video input" and "updating a channel list of all channels available for the **currently selected** video input" as recited in claim 1 of the present arrangement. Rather, contrary to the claimed arrangement, the database in Wugofski stores all the available channels from all the connected devices. This is wholly unlike the present claimed arrangement which recites "detecting available channels from various possible channels received from the source connected to **only** the currently selected video input; and updating a channel list of all channels available for the **currently selected** video input." Furthermore, Fig. 6 of Wugofski shows a master list of all channels connected to all input devices attached to a television system. Fig. 6 lists the physical channel number and the assigned logical channel number for all channels on all devices. Creating logical channels eliminates channel conflicts and offers users the choice to select a program he/she wishes to view that is offered through a plurality of devices connected to the television system (i.e. cable, antenna and DBS satellite). However, these logical channels derived from the physical channels of all the devices are not equivalent to and do not disclose or suggest "detecting available channels from various possible channels received from the source connected to **only** the currently selected video input" and "updating a channel list of all channels available for the **currently selected** video input" as recited in claim 1 of the present arrangement. Nowhere in the cited passages, figures or elsewhere in Wugofski is there suggestion or disclosure of the present claimed arrangement.

The Answer on page 6 in the "Response to Argument" section asserts that Applicants argue but do not claim that Wugofski is not concerned with reducing channel search time.

Applicants respectfully submit that reaction of channel search time is inherent in the operation of the claimed arrangement. By restricting the detection of "available channels from various possible channels received from the source connected to only the currently selected video input; and updating a channel list of all channels available for the currently selected video input," the additional steps of detecting channels from all sources, as in Wugofski, is eliminated. In Wugofski, all channels from all sources must be detected. This process is time consuming. In the present claimed arrangement, only the channels received from the "currently selected video input" are detected. Therefore, the channel search time is inherently reduced by the present claimed arrangement. Moreover, the Answer argues that Wugofski clearly teaches these features. Applicants respectfully disagree. Wugofski does not disclose or suggest these features of the claimed arrangement, as argued in this Reply Brief and in the Appeal Brief filed on March 7, 2008. Therefore, Wugofski is not concerned with reducing channel search time by "detecting available channels from various possible channels received from the source connected to only the currently selected video input; and updating a channel list of all channels available for the currently selected video input" as recited in claim 1 of the present arrangement. Consequently, in view of the above remarks and the remarks submitted in the Appeal Brief filed on March 7, 2008, it is respectfully requested that this rejection be withdrawn.

In view of the above remarks, it is respectfully submitted that Wugofski does not anticipate the present arrangement as claimed in independent claim 1. As claim 2 is dependent on claim 1, claim 2 is considered to be patentable for the reasons given above with respect to claim 1 and the reasons presented in the Appeal Brief filed on March 7, 2008. Consequently, withdrawal of the rejection of claims 1 and 2 under 35 U.S.C. 102(e) is respectfully requested.

CLAIM 3

Claim 3 is dependent on independent claim 1 and is considered patentable for the reasons presented above with respect to claim 1, as well as for the reasons presented in the Appeal Brief filed on March 7, 2008 (*see* page 10, line 11-page 11, line 6). Additionally, Applicants respectfully submit that nowhere in the cited columns or elsewhere in Wugofski is there any suggestion or disclosure indicating "after determining a currently selected video input: utilizing information generated from a previous full channel search regarding whether a video input is coupled to a cable video signal source or an antenna video signal source" as

recited in claim 3 of the present arrangement. The Answer asserts on page 7 that Wugofski in col. 6, lines 37-66 recites that "If step 725 determines that the current device/physical-channel combination is already present in database 370...Step 734 then accesses device database 350 in order to obtain the remaining information required for a map-database record." The Answer further argues that "it is clear that a previously channel search in the database is consulted in order to make sure that the channel list is complete. If the currently user selected device is coupled to a cable video signal source, the available channels for that device is searched, and if the currently user selected device is coupled to an antenna video signal source, the available channels for that device is searched as well." Applicants respectfully disagree. Although Wugofski, in the cited passage, may describe determining whether or not a current device/physical-channel combination is present in database, this is completely unrelated to the claimed "utilizing information generated from a previous full channel search **regarding whether** a video input is coupled to a cable video signal source or an antenna video signal source" as recited in claim 1 of the present arrangement. Wugofski updates event listings provided by the connected device. However, Wugofski does not disclose or suggest "utilizing information generated from a **previous full channel search regarding whether** a video input is coupled to a cable video signal source or an antenna video signal source" as recited in claim 1 of the present arrangement. Consequently, in view of the above remarks and the remarks submitted in the Appeal Brief filed on March 7, 2008, it is respectfully requested that this rejection be withdrawn.

CLAIM 4

Claim 4 is dependent on independent claim 1 and is considered patentable for the reasons presented above with respect to claim 1, as well as for the reasons presented in the Appeal Brief filed on March 7, 2008 (*see* page 11, lines 9-34). Additionally, Applicants respectfully submit that nowhere in the cited columns or elsewhere in Wugofski is there any suggestion or disclosure indicating "utilizing information entered by a user regarding whether a video input is coupled to a cable video signal source or an antenna video signal source" as recited in claim 4 of the present arrangement. The Answer asserts on pages 7-8 that Wugofski in Fig. 6 shows that if a "user is interested in watching FOX from the antenna source, the user enters in channel 3 on his remote control. Channel 3 is exclusively for FOX on the antenna video signal source. The television system accordingly tunes to the corresponding channel. The entry in database that channel 3 is FOX and corresponds to physical channel 4 [which] was created when the user selected that device as discussed above

with respect to claim 1." Applicants fail to see how a user selecting a virtual channel (channel 3 or FOX) that corresponds to a physical channel 4, as in Wugofski, is related to the claimed "utilizing information entered by a user regarding whether a video input is coupled to a cable video signal source or an antenna video signal source." Channel 3 will be presented to a user wishing to view that channel regardless of the source. Contrary to the present claimed arrangement, the source device in Wugofski connected to the television is irrelevant. Therefore, Wugofski is not concerned with and does not disclose or suggest "utilizing information entered by a user regarding whether a video input is coupled to a cable video signal source or an antenna video signal source" as recited in claim 4 of the present arrangement. Consequently, in view of the above remarks and the remarks submitted in the Appeal Brief filed on March 7, 2008, it is respectfully requested that this rejection be withdrawn.

CLAIMS 5-12

The Answer argues that "the remaining claims are likewise unpatentable for similar reasoning as discussed above" with respect to claims 1-4. Therefore, as claims 5-12 were rejected for the same reasons as claims 1-4, the arguments presented hereinabove regarding claims 1-4 also apply to claims 5-12. In order to avoid unnecessary duplication and repetition of argumentation, Applicants have not repeated the arguments presented hereinabove. Consequently, in view of the above remarks and the remarks submitted in the Appeal Brief filed on March 7, 2008, it is respectfully requested that this rejection be withdrawn.
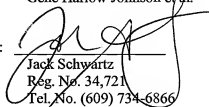
VIII   CONCLUSION

Wugofski neither discloses nor suggests "detecting available channels from various possible channels received from the source connected to only the currently selected video input" as recited in claim 1 of the present arrangement. Additionally, Wugofski also neither discloses nor suggests "updating a channel list of all channels available for the currently selected video input" as recited in claim 1 of the present arrangement. As independent claims 1, 5 and 9 all contain similar features to those discussed above, these claims are all allowable over Wugofski. Furthermore, as claims 2-4, 6-8 and 10-12 are dependent on claims 1, 5 and 9, respectively, these claims are also allowable over Wugofski.

Accordingly it is respectfully submitted that the rejection of claims 1-12 should be reversed.

Respectfully submitted,

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July 7, 2008